

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
v.) No. 3:10-CR-73
)
DARREN WESLEY HUFF) (VARLAN/GUYTON)

NOTICE OF "OTHER ACTS" OF THE DEFENDANT

The United States of America, by and through the United States Attorney for the Eastern District of Tennessee, hereby gives notice that it intends to introduce evidence at trial that on or about April 1, 2010, the defendant was involved with Walter Fitzpatrick at the Monroe County Courthouse in Madisonville, TN, in that the defendant videotaped Walter Fitzpatrick attempting to make an unlawful arrest of Gary Pettway and Sheriff William Bivens.

The United States gives this notice in the spirit of full disclosure and due caution, as the United States' position is that this evidence is not subject to Federal Rule of Evidence 404(b) at all, but rather is inextricably intertwined with, and part of the *res gestae* of, the charged offense. Nevertheless, the United States has disclosed its intention to offer such evidence at trial.

Respectfully submitted this 19th day of July, 2011.

WILLIAM C. KILLIAN
UNITED STATES ATTORNEY

By: s/Jeffrey E. Theodore
Jeffrey E. Theodore
A. William Mackie
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2011, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/Jeffrey E. Theodore

Jeffrey E. Theodore

Assistant United States Attorney